## STATUS OF CLAIMS

Claims 1 - 32 are pending.

Claims 1 – 32 stand rejected.

Claims 1, 3 and 13 stand objected to.

Claims 1 – 20 and 22-32 have been amended without prejudice herein.

Claim 21 has been cancelled without prejudice herein.

## REMARKS

### *Information Disclosure Statement*

An information disclosure statement is being submitted herewith for the Examiner's consideration.

### *Claim Objections*

Claims 1, 3 and 13 stand objected to as including typographical errors. The claims have been amended without prejudice to correct typographical errors, and improve readability. Claims 1 and 13 have also been amended without prejudice to more clearly recite that the selecting of an encryption key for a message block is dependent upon a data value extracted from a different data block.

### *35 U.S.C. 102(b) and 103(a) Rejections*

Claims 1 – 8, 10, 12 – 19, 21 – 29 and 31 - 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by Matsui (United States Patent No. 5,488,661). Claims 9, 20 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui in view of McNair (United States Patent No. 4,642,424). Claim 11 stands rejected

under 35 U.S.C. 103(a) as being unpatentable over Matsui in view of Neimat (United States Patent No. 5,542,087). Applicant respectfully requests reconsideration and removal of these rejections for at least the following reasons.

35 U.S.C. 102(b) recites:

> A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Moreover, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits Matsui fails to teach each and every element found in the present claims – and hence fails to anticipate any of the present claims.

For non-limiting purposes of explanation only, the present application teaches a transmitting party transmits an encrypted message block using an encryption key determined from the data content of a previously transmitted message, such as a previous message block. *See, e.g., page 5, third full paragraph.* By way of further non-limiting explanation only, the present specification also teaches the data content of a last data block is used to determine the encryption key selected to transmit a current data block. *See, e.g., page 6, first full paragraph.* Consistently, present Claim 1 recites in part,

> extracting a data value from one of said message data blocks;

selecting an encryption key from among a plurality of encryption keys dependently upon said extracted data value; and,

encrypting a subsequent one of said message data blocks using said selected encryption key.

Applicant respectfully submits Matsui fails to teach, or even suggest for that matter, at least these limitations – at least by virtue that those portions of Matsui expressly relied upon in the present Office action (Col. 5, line 67 – Col. 6, line 13, Col. 4, lines 15 – 20) merely teach an inputted plaintext block is itself used to select a scrambling key for that same plaintext message block. In contradistinction, Claim 1 requires data extracted from a message block be used to select an encryption key that is used to encrypt a subsequent message block, as opposed to the message block from which the data was initially extracted.

More particularly, Matsui purportedly teaches a data communication system in which an address of a cipher key or a scramble function to be input to each processing block is varied depending on the input plaintext message itself. *Col. 4, lines 15 – 21.* Thus, Matsui fails to teach, or even suggest for that matter, a system that selects an encryption key for a subsequent message block dependently upon a data value extracted from a different data block, as is recited by Claim 1.

For example, Matsui teaches 8 bytes of plaintext is input (designated by reference numeral 3) and 8 bytes of cyphertext is output (designated by reference numeral 4). *See, col. 5, lines 44 – 45; see also, Fig. 1.* Matsui expressly teaches that its address calculating circuit 23 calculates the address of the extended key to be selected for the input plaintext 3 based upon the input plaintext 3 itself. *See, e.g., col. 6,*

*lines 4 – 8.* The input plaintext 3 is then scrambled using the key selected on the basis of input plaintext 3 itself. See, e.g., col. 6, lines 10 – 13.

Thus, Matsui expressly teaches scrambling input plaintext using an extended key selected based upon that very same plaintext. Accordingly, Applicant submits Matsui fails to teach, or even suggest for that matter, extracting a data value from a message data block, and selecting an encryption key for a subsequent message block dependently upon the extracted data value, as is recited by Claim 1.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1 for at least the reasons set forth above, namely, that Matsui fails to teach each of the limitations of Claim 1. Applicant further requests reconsideration and removal of the rejections of Claims 2 – 12 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1. For purposes of completeness, Applicant submits that the references of McNair and Neimat fail, either singly or in combination, to remedy the shortcomings of Matsui. Withdrawal of these 35 USC 102 and 103 rejections is respectfully requested.

With regard to Claim 13, it analogously recites, in part,

> a communication apparatus operative to:
> extract a data value from one of said message data blocks;
> select an encryption key from among a plurality of encryption keys stored in a memory dependently upon said extracted data value; and,
> encrypt at least a subsequent one of said message data blocks using said selected encryption key.

Accordingly, Applicant also respectfully requests reconsideration and removal of the rejection of Claim 13 for at least the foregoing reasons. Applicant also respectfully

requests reconsideration and removal of the rejections of Claims 14 – 20 and 22-23 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 13.

With regard to Claim 24, it analogously recites, in part,

> a processor, in communication with said memory, operative to:
> extract a known number data bits from one of said data message blocks;
> select an encryption key from said stored encryption keys based on the content of said extracted data bits; and
> encrypt a subsequent one of said data message blocks using said selected encryption key;

Accordingly, Applicant also respectfully requests reconsideration and removal of the rejection of Claim 24 for at least the foregoing reasons. Applicant also respectfully requests reconsideration and removal of the rejections of Claims 25 – 32 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 24.

## CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

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